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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/632,091 | 08/01/2003 | Rick Kiessig | 25396-004 | 3397 |

7590 05/31/2007
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| EXAMINER |
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LEWIS, CHERYL RENE A

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| ART UNIT | PAPER NUMBER |
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2167

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05/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/632,091

Applicant(s)

KIESSIG ET AL.

Examiner

Cheryl Lewis

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 5-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 5-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>3/29/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the applicants' communication received on March 9, 2007.
2. Claims 1, 2, and 5-35 are presented for examination.
3. The applicants have amended claims 1, 8-10, 12-20, and 25-27 in the amendment received on March 9, 2007. Claims 3 and 4 have been cancelled.
4. Applicants' arguments with respect to claims 1, 2, and 5-35 have been considered but are deemed to be moot in view of the new grounds of rejection.

Remarks

5. The Examiner extends her appreciation to the applicants' representative in amending the limitations of claims 1, 8-10, 12-20, and 25-27. In an earlier conversation, the Examiner stated that the claims would be considered for allowance. However, upon closer examination of the newly amended claims, the claims cannot be allowed at this time because of the newly discovered references presented in the (rejection) Office Action below.

At this point, the Examiner kindly requests that the applicants take these references into consideration with respect to the claim limitations of claims 1, 8-10, 12-20, and 25-27.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 2, and 5-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Delaire et al. (Patent No. 6,952,698 B2 filed October 5, 2001, hereinafter Delaire) and McCotter et al. (Patent No. 6,401,097 B1 filed January 22, 1999, hereinafter McCotter).

8. Regarding Claim 1, Delaire teaches a storage area network methods and apparatus for automated file system extension.

The method and associated system for a storage area network methods and apparatus for automated file system extension as taught of suggested by Delaire includes:

a volume manager (Abstract, line 7, col. 73, lines 28-33) configured to manage the electronic files (col. 54, line 43) on the volume and to manage the electronic files on the volume (col. 73, lines 28-33); a coherency manager module coupled to the volume manager (figure 5, 'Manager Framework') and configured to manage at least one of a relationship of the selected file (col. 57, lines 52-65).

However, Delaire does not expressly teach organizing the electronic files by searching the metadata relating to the electronic files to identify one or more files of interest, the organization being configured to provide a folder that includes one or more files of interest; the metadata includes a tag comprising a name/value pair describing an

attribute of the selected file; and the metadata includes automatically generated metadata and user defined metadata.

McCotter teaches organizing the electronic files by searching the metadata relating to the electronic files to identify one or more files of interest (col. 4, lines 30-47), the organization being configured to provide a folder that includes one or more files of interest (col. 3, lines 8-22 and 50-65, col. 4, lines 1-3 and 7-24); the metadata includes a tag comprising a name/value pair describing an attribute of the selected file (col. 3, lines 8-22 and 50-65, col. 4, lines 1-3 and 7-24); and the metadata includes automatically generated metadata and user defined metadata (col. 3, lines 8-22 and 50-65, col. 4, lines 1-3 and 7-24).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the electronic files of Delaire's method with the electronic files of McCotter's method because McCotter's electronic files could enable the electronic files of Delaire to comprise a function to search the metadata related electronic files, wherein in searching the metadata related electronic files provides a profile among the files, in which the profile allows the files to be searched according to name, author, date, project id and status.

9. Regarding Claim 2, McCotter teaches display information about the files and metadata (col. 3, lines 50-67, col. 4, lines 5-29).

10. Regarding Claim 5, McCotter teaches a user view the tag (col. 3, lines 50-67, col. 4, lines 5-29).

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11. Regarding Claim 6, McCotter teaches file is classified and organized by the tag (col. 3, lines 50-67, col. 4, lines 5-29).

12. Regarding Claim 7, McCotter teaches single file can appear in more than one folder (col. 3, lines 50-67, col. 4, lines 5-29).

13. Regarding Claims 8-35, respectively, the limitations of these claims have been noted in the rejection of the claims presented above. These claims have been re-worded, however, the re-wording of these claim limitations of claims 8-35 are also presented in the above rejections. They are therefore rejected as set forth above.

NAME OF CONTACT

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is (571) 272-4113. The examiner can normally be reached on 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

(571) 273-4113 (Use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/ Technology Center (571) 272-2100.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Cheryl Lewis/
Patent Examiner, A.U. 2167
May 22, 2007